REMARKS

Status of the claims

By entry of the above amendment, claims 36, 39-46, 50-56, and 60-67 are hereby amended, and claims 74-90 are added. As such, claims 36, 39-46, 49-56, and 59-90 are currently pending. Entry of this amendment is respectfully requested.

No new matter has been added by this amendment. For example, computer software (as recited in new claim 83) is described at least in the "Computer-Related Embodiments" section of the specification (pp. 115-118). The term "correlating" (as recited in new claims 80-83) is used, for example, in original claim 1 ("correlated"). Saliva and buccal cells (as recited in amended claims 42, 52, and 62) are set forth on page 47 (lines 30-31) of the specification (which recites saliva and buccal swabs). Denaturing gradient gel electrophoresis (as recited in amended claims 45, 55, and 65) is described at least at the bottom of page 57 to the top of page 58 of the instant specification. The allele-specific methods recited in new claims 74-75 were previously included in claims 45, 55, and 65. New claims 85-90 were previously included in claim 73, which was previously a multiple dependent claim that depended from claims 66-72, but this is no longer proper since claims 66-67 are now multiple dependent claims.

A current claim listing is presented above with appropriate status identifiers for each claim, in accordance with 37 C.F.R. §1.121(c).

New claim rejection: 35 USC §101 – Non-statutory subject matter

Claims 36, 39, 40, 46, 49, 50, 56, 59, and 60 were rejected under 35 USC §101 as being directed to non-statutory subject matter.

Claims 36, 46, and 56 are hereby amended to recite the step of testing nucleic acid from a human. The amended claims and the newly added claims produce transformation and a tangible result. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 36, 46, and 56 (and claims 39-40, 49-50, and 59-60 dependent therefrom) under 35 USC §101 as being directed to non-statutory subject matter.

Maintained and reinstated claim rejection: 35 USC §112, first paragraph, scope of enablement

Claims 36, 39-46, 49-56, and 59-73 were rejected under 35 USC §112, first paragraph, scope of enablement. In maintaining this rejection, the Examiner states that the claims are enabled in so far as they require the detection of the particular nucleotide content at position 101 of SEQ ID NO:36,673, however the language "as represented by position 101 of SEQ ID NO:36,673" is not limited to any teachings or definition in the instant specification, and is not limited by any terminology that is typically recognized in the art.

Applicants respectfully traverse. As understood by one of ordinary skill in the art in the context of describing a SNP, the term "as represented by" symbolizes the specific SNP location at position 101 of SEQ ID NO: 36,673. Thus, the claims do not "encompass the determination of SNPs other than the particular elected SNP". However, in the interest of expediting prosecution of the instant application, claims 36, 46, and 56 have been hereby amended for clarity to remove the "as represented by" language. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 36, 46, and 56 (and claims 39-45, 49-55, and 59-67 dependent therefrom) under 35 USC §112, first paragraph, scope of enablement.

Conclusions

In conclusion, in light of the amendments and remarks above, Applicants submit that the present application is fully in condition for allowance.

The Examiner is invited to contact the undersigned via telephone if a phone interview would expedite the prosecution of the instant patent application.

Respectfully submitted,

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Date: April 6, 2009

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